

SECTIONAL ANALYSIS

of a bill

To amend further the Missing Persons Act, as amended.

Section 1(a) would amend section 1(a)(3) of the Missing Persons Act (50 U.S.C. App. 1001(a)(3)) to provide that part-time, hourly, or intermittent employees of the Government of the United States, who are residents of the places of employment in United States Territories and possessions, or in foreign countries, would be extended the benefits of the Act if a determination is made by the head of the department concerned that the missing status was the proximate result of employment by the department. Full coverage would be retained for civilian officers and employees of the Executive departments during such time as they may be assigned for duty or serving in Alaska or outside the continental limits of the United States. Existing law excludes from coverage part-time or intermittent employees or native labor casually hired on an hourly or per diem basis.

Section 1(b) would amend section 2 of the Missing Persons Act (50 U.S.C. App. 1002) to provide that any person in active service or performing certain training duty, officially determined to be absent in a missing status, would be entitled to receive or to have credited to his account the same pay and allowances to which he was entitled at the beginning of such absence, or might become entitled thereafter, and such entitlement would terminate at such date as the department concerned receives evidence of death or until the presumptive date of death, which normally would be twelve months and one day from the date the missing status is first determined by the head of the department concerned. There would be no entitlement to pay and allowances for any period of absence from post of duty without official authority. Entitlement to pay and allowances would be authorized for persons who enter a missing status while on brief tours of training duty only when such persons enter a missing status as a result of the performance or prescribed duty ordered by competent authority. Existing law provides coverage under the Act only for persons in active service. The proposed amendment extends coverage to include, in addition to persons on active service, persons on training duty under certain conditions.

Sections 1(c) and 1(d) would amend sections 6 (50 U.S.C. App. 1006) and 9 (50 U.S.C. App. 1009) of the Missing Persons Act by making certain technical revisions in language consistent with the amendments proposed in section 1(b).

Existing law does not permit an injured person to make application for transportation of his household and personal effects to a location determined in advance other than his official residence of record. In addition, it does not provide for the sale by the Government of such household and personal effects in emergencies. Section 1(e) would amend section 12 of the Missing Persons Act (50 U.S.C. App. 1012) to provide that the dependents and household and personal effects of any person in active service who is officially reported as dead, injured, missing for thirty days or more, interned in a foreign country, or captured, may be moved to the official residence of record for such person, or upon application by such dependents, next-of-kin, or such other persons having a substantial interest in the return of such household and personal effects, or upon the person's own application if injured, to such other location approved by the head of the department concerned. When an emergency exists, the head of the department concerned may sell the motor vehicles and other bulky items of personal effects after ascertaining, if practicable, the desires of the other interested persons, and the net proceeds of such sale shall be transmitted to the owner or other persons of interest if such persons and their addresses are ascertainable. If not ascertainable, the net proceeds may be covered into the Treasury as miscellaneous receipts, with a specifically prescribed method for making claim thereto, subject to the operation of a 5-year statute of limitations. The head of the department concerned also would be authorized to store household and personal effects of such missing person until such time as proper disposition can be made.

Section 1(f) would amend section 14 of the Missing Persons Act (50 U.S.C. App. 1014) by deleting the word "enemy" where it appears therein and inserting in lieu thereof the word "hostile".

Section 1(g) would amend section 15 of the Missing Persons Act (50 U.S.C. App. 1015) to eliminate the reference to the termination date (July 1, 1955), and make the proposed legislation retroactive to June 24, 1948, the date of enactment of the Selective Service Act of 1948.